

Translation

PATENT COOPERATION TREATY

520,165

PCT/CH2003/000444



PCT/CH2003/000444 01 APR 2005

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 205-2.B.WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH2003/000444	International filing date (day/month/year) 07 juillet 2003 (07.07.2003)	Priority date (day/month/year) 08 juillet 2002 (08.07.2002)
International Patent Classification (IPC) or national classification and IPC F16L 47/03		
Applicant BINDRING SA		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>1</u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 17 janvier 2004 (17.01.2004)	Date of completion of this report 10 September 2004 (10.09.2004)
Name and mailing address of the IPEA/EP  Facsimile No.	Authorized officer  Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2003/000444

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-3 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1-3 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 29 July 2004 (29.07.2004)
- ☒ the drawings:  
pages \_\_\_\_\_ 1/2-2/2 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/CH 03/00444

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-3	NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

### 2. Citations and explanations

Reference is made to the following documents:

D1: DE 196 11 883 A (BAUKU TROISDORFER BAU UND KUNS)  
2 October 1997 (1997-10-02);

D2: US 5 462 314 A (YUICHIRO GOTO ET AL)  
31 October 1995 (1995-10-31).

Document D2 was not cited in the international search report.

The present application does not fulfil the requirements set forth in PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step as defined in PCT Article 33(3).

Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document) an assembly for connecting two non-heat expandable thermoplastic tubular elements (1, 2), including a first non-heat expandable tubular element (1) having an attachment area (see figure 2) on the inside wall of one of the ends thereof, and a second non-heat expandable

tubular element (2) having an attachment area (see figure 2) on the outside wall of one of the ends thereof, wherein the diameter of the inside wall of the end of said first tubular element (1) is greater than the diameter of the outside wall of the end of said second tubular element (2) in such a way as to define a ring-shaped gap between said inside and outside walls when said two ends overlap, which assembly further comprises a thermoplastic sleeve (7) suitable for being housed in said ring-shaped gap.

It follows that the subject matter of claim 1 differs from the known assembly in that the sleeve contains a ring-shaped inductive element.

The problem that the present invention is intended to solve can therefore be considered to be that of providing a heating system, which is simplified in comparison with a resistive heating system (see D1, column 1, lines 56-66).

The solution proposed in claim 1 of the present application is not considered to be inventive (PCT Article 33(3)), for the following reasons:

- The solution proposed in claim 1 of the application is advantageous in that it does not require a cabled connection, thereby simplifying the heating system required for fusing the two tubular elements;
- According to the description in document D2 (see document D2, column 2, lines 28-33), the ring-shaped inductive element (see D2, column 5, lines 5-9) offers the same advantages as those mentioned in the present application. As a result, it would be a routine measure for a person skilled in the art seeking to

solve the stated problem to include this feature in the assembly for connecting two tubular elements described in document D1.

Dependent claim 2 does not contain any features which, in combination with the features of claim 1, might define subject matter that fulfils the PCT requirement of novelty because document D1 describes an assembly in which the first tubular element is a coupling (see claim 1 and figures 2 and 3). The subject matter of claim 2 of the present application is not considered to be inventive (PCT Article 33(3)).

The steps of the method for fusing two tubular elements as per independent claim 3 are also described in document D1 (see claims 1 and 5). The same argument as the one set out above with respect to claim 1 applies *mutatis mutandis* to the subject matter of independent claim 3 of the present application. As a result, claim 3 is not considered to be inventive either (PCT Article 33(3)).